

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 26TH DAY OF AUGUST 2002, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Mary W. Biggs	-Chair
	Larry N. Rush (Arrived 7:45 p.m.)	-Vice Chairman
	Gary D. Creed	-Supervisors
	John A. Muffo	
	Annette S. Perkins	
	James D. Politis	
	C.P. Shorter	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers, Jr.	-Planning Director
	Steve Sandy	-Zoning Administrator
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Chair called the meeting to order and the Pledge of Allegiance was recited.

PUBLIC HEARINGS

Special Use Permit

Ernie R. Marshall (Agent: Gregory S. Tully, Shenandoah Tower) requests a Special Use Permit in Agriculture (A-1) on 138.7329 acres, with possible conditions, on Tax Parcel No. 138-A-51 (Account ID#005526) for a 249 foot Telecommunications Tower. The property is located on the north side of Riner Road and the entrance to the proposed site is located approximately 250 feet west of the Harvest Road and Riner Road intersection in the Riner Magisterial District. The property lies within an area designated as a Conservation Area in the Comprehensive Plan.

NOTE: This public hearing was continued from June 24, 2002 in order for the Planning Commission to review additional information received and make another recommendation to the Board of Supervisors.

The Zoning Administrator summarized the above request. The Planning Commission found the request in substantial conformance with the comprehensive plan and recommended approval of the special use permit for a telecommunications tower at a height not to exceed 199 feet, with seven conditions. The applicant requested a height of 249 feet. Issues raised by the Planning Commission were as follows:

1. Reduction of the tower height from 249 feet to 199 feet and proposed conditions will help this request comply with the policies for telecommunication towers in the county's comprehensive plan.
2. The recommended height and conditions is a good compromise while still seeking substantial compliance with the comprehensive plan.
3. A maximum height of 199 feet will provide adequate cellular service for US Cellular and adequate space for emergency service equipment.

Also discussed were issues raised by the Planning Commission in opposition to the request:

1. Some of the technical information submitted by the applicant's agent contained errors.
2. The tower height of 199 feet is still too high for this rural portion of the county.

James Creekmore, Woods, Rogers and Hazelgrove, representing U.S. Cellular, urged the Board to approve a 240' tower with a 9' lightening rod. Mr. Creekmore stated there was an significant difference in 199' and 240'. A 240' tower would allow tow other companies to co-locate and room for the emergency services antenna. U.S. Cellular reviewed the rural area and came up with the best possible location and design for the area.

Ernie Marshall, applicant, stated that there is a need for cell coverage in the Riner area. Due to growth, and for safety concerns, a telecommunications tower would benefit everyone. Mr. Marshall urged the Board to approve his request.

Russell Drum, business owner in Riner, addressed the Board in support of a telecommunications tower in Riner. Mr. Drum stated he operates a tractor trailer business in Riner and his drivers drive back and forth from Riner and Pilot daily. His only means of communications with his drivers is through cell phones. There are many areas throughout Riner and Floyd where the cell phones do not work due to lack of coverage. Mr. Drum urged the Board to approve this request.

There being no further speakers, the public hearing was closed.

Special Use Permit

Lewis Slaughter requests a Special Use Permit, with possible conditions, in Agricultural (A-1) to allow a private garage in excess of 850 square feet and sixteen (16) feet in height. The property is located at 2176 Peppers Ferry Road and is identified as Tax Parcel No. 65-A-74A (Account ID #030063) in the Prices Fork Magisterial District. The property lies in an area designated as Rural Expansion Area in the Comprehensive Plan.

The Zoning Administrator summarized the above request. The Planning Commission found the request in conformance with the Comprehensive Plan and recommended approval with two conditions.

Lewis Slaughter, applicant, addressed the Board concerning his request. Mr. Slaughter indicated that he will be storing antique cars in the garage and is in need of additional storage.

Bruce Stanger speaking on behalf of the adjoining landowners, said they have no problem with Mr. Slaughter building a garage.

There being no further speakers, the public hearing was closed.

Comprehensive Plan Amendment and Rezoning Request

B&J Enterprises (Agent: Draper Aden Associates) requests the following:

1. A Comprehensive Plan Amendment to change the land use designation for approximately 11.68 acres identified as Tax Parcel Nos. 55-A-B2 & 55-12-531 from Agriculture to Urban Expansion.
2. Rezone 10.391 acres from Community Business (CB) and 1.289 acres from Residential (R-1) to Multi Family Residential (RM-1) with proffered conditions.

The property is located on the east side of Cascades Road approximately 200 feet south of the Cascades Road and Md Pines Road intersection and is identified as Tax Parcel Nos. 55-A-B2 & 55-12-531 (Acct ID #033633, 010645) in the Mt. Tabor Magisterial District. The property currently lies in an area designated as Agricultural/Rural in the Comprehensive Plan.

Chair Biggs announced the above public hearing would be continued to the Board's September 23, 2002 meeting pending additional information as recommended by the Planning Commission.

Scott Hill, representing B&J Enterprises, stated they have asked for a continuation of the public hearing in order to meet with the landowners in the Blacksburg Country Club Estates.

John Moore addressed the Board with concerns about this request. Mr. Moore stated this request asks the Board to reverse the decision they made years ago on land use designation. This area now is for single family homes. This request asks for a rezoning to urban expansion. The decision by the Board will set a precedent for future requests. Mr. Moore also indicated that the roads in Blacksburg Country Club Estates still are not state maintained.

David Bowden spoke to assure the Board that the homeowners in Blacksburg Country Club Estates are in opposition of this request and they will be attending the public hearings in September to address their concerns.

Tom Jannezi stated a petition is being circulated to show their opposition to this request and will be forwarded to the Board.

The County Attorney stated for the record that Plank Drive and Augusta National Drive the in Blacksburg Country Club Estates are on the Board's agenda tonight to request VDOT to take them into the secondary system of highways.

There being no further speakers the public hearing was continued to September 23, 2002.

Amendment to Special Use Permit

Mildred Barnett requests an amendment to a Special Use Permit originally approved on July 8, 2002 in Agriculture (A-1) on a 1.435 acre tract, on Tax Parcel No. 82-A-133C (Account ID #035888) for a flea market. Property is located at 353 Carolina Road in the Shawsville Magisterial District. The property lies in an area designated Conservation Area in the Comprehensive Plan.

Mildred Barnett, applicant, addressed the Board concerning her request for an amendment to a Special Use Permit. Ms. Barnett stated she would like to be able to be open every day, if necessary, not just the weekends. Also she would like to be able to display items in front of the new building. She thanked the Board for their consideration.

Supervisor Rush requested that the Board take action on Ms. Barnett's request at tonight's meeting.

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Special Use Permit Amendment - Mildred Barnett

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Mildred Barnett Special Use Permit in Agriculture (A-1), on a 1.435 acre tract to allow a flea market that was previously approved by resolution of July 8, 2002 is hereby reapproved with the following amended conditions:

1. Only domestic objects excluding large appliances and furniture will be offered for sale.
2. *Merchandise shall not be displayed farther than five (5) feet in front of the new building. This display area shall not exceed the length of the building.*
3. No petroleum fired vehicles and/or equipment will be available for sale inside the new structure.
4. *Hours of operation shall be daily from 8 a.m. to 4 p.m.*

Property is located at 353 Carolina Road in the Shawsville Magisterial District. The property lies in an area designated Conservation Area in the Comprehensive Plan.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Larry N. Rush	None
CP. Shorter	
James D. Politis	
Annette S. Perkins	
John A. Muffo	
Gary D. Creed	
Mary W. Biggs	

PUBLIC ADDRESS SESSION

Doug Harris, Montgomery County Extension Office, introduced Mike Martin as the new 4H Officer. Mr. Martin is the son of Dr. Joyce Martin, who just retired from this position.

Kevin Barnes, representing SAS Construction, addressed the Board concerning an item on their agenda tonight. The Board will be taking action on the final plat for the Orchards Phase III-B. Mr. Barnes indicated the applicant went over and above what is required when developing this subdivision. The applicant is also willing to accept the Planning Commission's recommendations for all streets to be public. Mr. Barnes asked the Board to consider approving the final plat.

Bob Stuart, Human Relations Council of Montgomery County, addressed the Board concerning the Community Convocation held April 13, 2002. The Convocation was an important event in the Human Relations Council's continuing proactive efforts to build understanding and cooperation between community groups. Several work groups will be held in 2002-2003 on issues that arrived from this meeting. Mr. Stuart expressed thanks to the Board of Supervisors and asked for their continued support and participation.

Chris Walker, Elliston Volunteer Fire Department, addressed the Board about the Incident Commanders Radio Interface (ICRI). He indicated he had a demonstration unit with him tonight if the Board would like to take a look at it during one of their breaks. He will be making a more formal presentation at the September 9, 2002 Board meeting.

Victor Bondgard, attorney for Eric Oliver, addressed the Board about concerns with the Orchard's subdivision. Mr. Bondgard stated this is a 20 year old development and there are concerns related to the development.

The County Attorney stated for the record that the Consent Agenda include several requests for additions to the secondary system of state highways. These additions include Plank Drive and Augusta National Road which are located in the Blacksburg Country Club Estates.

There being no further speakers, the public address session was closed.

CONSENT AGENDA

On a motion by Annette S. Perkins, seconded by John A. Muffo and carried unanimously, the Consent Agenda dated August 26, 2002 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
John A. Muffo	
C.P. Shorter	
Annette S. Perkins	
Larry N. Rush	
Gary D. Creed	
Mary W. Biggs	

Addition to the Secondary System of State Highways - Degas Lane (SR 1329)

On a motion by Annette S. Perkins, seconded by John A. Muffo and carried unanimously,

WHEREAS, The street described below is shown on a plat in the Clerk's Office of the Circuit Court and currently serves at least 3 families per mile; and

WHEREAS, The Virginia Department of Transportation has deemed this county's current subdivision control ordinance meets all necessary requirements to qualify this county to recommend additions to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia; and

WHEREAS, After examining ownership of all property abutting the street, this Board finds that speculative interest does not exist.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia requests the Virginia Department of Transportation to add the following street to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia:

ADDITION:

Weyanoke Subdivision

<u>Name of Street:</u>	<u>Length</u>
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Degas Lane (SR 1329)	
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From: Smith Creek Road (SR 675)	0.18 mi
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To: Cul-de-sac	
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Plat Recorded: September 15, 1999	
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BE IT FURTHER RESOLVED, The Board guarantees a clear and unrestricted right-of-way of 40', as described, and any necessary easements for cuts, fills, and drainage; and

BE IT FURTHER RESOLVED, That a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Addition to the Secondary System of State Highways - Cassatt Lane (SR 1328)

On a motion by Annette S. Perkins, seconded by John A. Muffo and carried unanimously,

WHEREAS, The street described below is shown on a plat in the Clerk's Office of the Circuit Court and currently serves at least 3 families per mile; and

WHEREAS, The Virginia Department of Transportation has deemed this county's current subdivision control ordinance meets all necessary requirements to qualify this county to recommend additions to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia; and

WHEREAS, After examining ownership of all property abutting the street, this Board finds that speculative interest does not exist.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia requests the Virginia Department of Transportation to add the following street to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia:

ADDITION:

Hawks Flight Subdivision

<u>Name of Street:</u>	<u>Length</u>
Cassatt (SR 1328)	
From: Smith Creek Road (SR 675)	0.33 mi
To: Cul-de-sac	
Plat Recorded: September 21, 2000	
Plat Book: 21 Page: 54	

BE IT FURTHER RESOLVED, The Board guarantees a clear and unrestricted right-of-way of 50', as described, and any necessary easements for cuts, fills, and drainage; and

BE IT FURTHER RESOLVED, That a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Addition to The Secondary System of State Highways - Augusta National Road (SR 1266) and Plank Drive (SR 1252)

On a motion by Annette S. Perkins, seconded by John A. Muffo and carried unanimously,

WHEREAS, The streets described below is shown on a plat in the Clerk's Office of the Circuit Court and currently serves at least 3 families per mile; and

WHEREAS, The Virginia Department of Transportation has deemed this county's current subdivision control ordinance meets all necessary requirements to qualify this county to recommend additions to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia; and

WHEREAS, After examining ownership of all property abutting the streets, this Board finds that speculative interest does not exist.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia requests the Virginia Department of Transportation to add the following streets to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia:

ADDITION:

Blacksburg Country Club Estates

<u>Name of Street:</u>	<u>Length</u>
Augusta National Road (SR 1266)	
From: 1252 Plank Drive	0.23 mi
To:1252 Plank Drive	
Plat Recorded: September 26, 1969	
Plat Book: 5 Page:83	
Unrestricted Right-of-Way 40"	

Plank Drive (SR 1252)	
From: Luster Gate Road (SR 723)	
To: Augusta National Road (SR 1266) 0.79 mi	
Plat Recorded: March 14, 1969	
Plat Book: 5, Page:19	
Plat Book: 5, Page 83	
Plat Book: 16, Page 1	
Unrestricted Right-of-Way 50"	

From: Augusta National Road (SR 1266)
To: Augusta National Road (SR 1266) 0.10 mi
Plat Recorded : September 26, 1969
Plat Book: 5, Page 83
Unrestricted Right-of-Way 50"

From: Augusta National road (SR 1266)
To: Arrington Road (SR 1251) 0.26 mi
Plat Recorded : September 26, 1969
Plat Book: 5, Page 83
Unrestricted Right-of-Way 50"

BE IT FURTHER RESOLVED, The Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage; and

BE IT FURTHER RESOLVED, That a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Appointment- Virginia Tech/Montgomery Regional Airport Authority

On a motion by Annette S. Perkins, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints Annette S. Perkins to the Virginia Tech/Montgomery Regional Airport Authority effective September 1, 2002 and expiring August 31, 2006.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to each of the four Member Jurisdictions.

OLD BUSINESS

Ernie Marshall (Agent: Shenandoah Tower) - Special Use Permit - 249 Foot Telecommunications Tower

Supervisor Creed made a motion, seconded by James D. Politis, to approve a Special Use Permit for a 249' Telecommunications Tower.

The vote on the foregoing motion was as follows:

AYE

NAY

Larry N. Rush C.P. Shorter
Gary D. Creed Annette S. Perkins
James D. Politis John A. Muffo
 Mary W. Biggs

Motion was denied

Ernie Marshall (Agent: Shenandoah Tower) - Special Use Permit -199 Foot Telecommunications Tower

On a motion by C.P. Shorter, seconded by John A. Muffo and carried,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Ernie Marshall, (Agent: Shenandoah Tower) Special Use Permit request in Agriculture (A-1) on 138.7329 acres for a Telecommunications Tower not to exceed 199 feet in height is hereby approved subject to the following conditions:

1. Tower shall not have lighting.
2. Applicant and/or agent shall provide all applicable information as outlined in Tradewinds Communications report recommendations dated July 29, 2002 prior to issuance of a building permit.
3. Tower shall be of a “monopole stealth design” where all antennae and wiring shall be mounted inside the structure.
4. Engineering plans signed and sealed by a licensed engineer in the state of Virginia shall be submitted and approved by the Building Official prior to issuance of a building permit.
5. Emergency services equipment shall be provided space on the structure at no cost as stated in James Creekmore’s July 10, 2002 letter. County Attorney shall review and approve contract documents prior to the execution of the contract and the issuance of a building permit.
6. Tower shall meet all regulations found in Section 10-48(6) of the Montgomery County Zoning Ordinance and shall automatically become void if substantial completion has not taken place within two years of this approval.
7. Tower shall be setback a minimum of 100 feet from all property lines.

The property is identified as Tax Parcel No. 138-A-51 (Account ID#005526) and is located on the north side of Riner Road and the entrance to the proposed site is located approximately 250 feet west

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of the Harvest Road and Riner Road intersection in the Riner Magisterial District. The property lies within an area designated as a Conservation Area in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

AYE

C.P. Shorter

Annette S. Perkins

John A. Muffo James D. Politis

Mary W. Biggs

NAY

Larry N. Rush

Gary D. Creed

Supervisor Rush stated for the record that he believes the Board went against their own policy when voting to deny a 249 ft tower. He believes that with the construction of a higher tower to accommodate co-location of other companies wishing to expand their services in the Riner area will help decrease the need for more towers. Now, more towers will need to be built to accommodate other companies.

NEW BUSINESS

New River Valley Community Services Board-Performance Agreement

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia acknowledges receipt of the New River Valley Community Services Board Performance Contract for Fiscal Year 2002-2003.

FURTHER BE IT RESOLVED, The Montgomery County Board of Supervisors makes no comment regarding the performance contract for the New River Valley Community Services Board for Fiscal Year 2002-2003.

The vote on the foregoing resolution was as follows:

AYE

Gary D. Creed None

Annette S. Perkins

John A. Muffo

NAY

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James D. Politis
Larry N. Rush
C.P. Shorter
Mary W. Biggs

Community Development Block Grant (CDBG) Local Business and Employment Plan

On a motion by C.P. Shorter, seconded by Annette S. Perkins and carried unanimously,

WHEREAS, The Virginia Community Development Block Grant (VCDBG) Program provides funding to assist local governments in the development of Community Service Facilities which are physical facilities targeting the provision of important services to low- and moderate-income persons and the greater community; and

WHEREAS, The Free Clinic of the New River Valley will provide expanded medical/ pharmaceutical and expanded dental for the benefit of low-to-moderate income citizens; and

WHEREAS, The proposed expansion of the Free Clinic of the New River Valley will generate a 50.7% increase in services, of which 80% is in the medical/ pharmaceutical field and 20% is in the dental services field, that will benefit low-to-moderate income citizens; and

WHEREAS, The project has a total estimated cost of \$638,626, of which \$138,926 will be donated costs by way of in-kind administrative and inspection services, donated materials, funds, equipment, and various other services; and

WHEREAS, Montgomery County will ascertain substantial compliance with The Local Business and Employment Plan, as required by the Department of Housing and Community Development as follows:

1. Montgomery County designates as its Local Business and Employment Project Area the boundaries of Montgomery County, Virginia.
2. Montgomery County, its contractors, and designated third parties shall, in utilizing Community Improvement Grant funds, utilize businesses and lower income residents of the Project Area in carrying out all activities, to the greatest extent feasible, in accordance with the Virginia Public Procurement Act and the County's Purchasing Manual.
3. In awarding contracts for work and for procurement of materials, equipment or services of Montgomery County, its contractors, and designated third parties shall take the following steps to

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utilize businesses which are located in, or owned in the substantial part, by persons residing in the Project Area are:

- a. Montgomery County shall ascertain what work and procurements are likely to take place through the Community Improvement Grant Funds.
 - b. Montgomery County shall ascertain through various and appropriate sources, including *The News Messenger* and *The Roanoke Times New River Valley Current*, the business concerns within the Project Area which are likely to provide materials, equipment, and services which will be utilized in the activities funded through the Community Improvement Grant.
 - c. The identified business concerns shall be appraised of opportunities to submit bids, quotes, or proposals for work or procurement contracts, which utilize CIG funds.
 - d. To the greatest extent feasible, the identified business and any other project area business concerns, shall be utilized in activities which are funded with CIG funds.
4. In the utilization of trainees or employees for activities funded through CIG funds, Montgomery County, its contractors, and designated third parties shall take the following steps to utilize lower income persons residing in the Project Area:
- a. Montgomery County, in consultation with its contractors (including design professionals), shall ascertain the types and number of positions for both trainees and employees, which are likely to be utilized during the project funded by CIG funds.
 - b. Montgomery County shall advertise through the following sources:
The News Messenger and *The Roanoke Times New River Valley Current* the availability of such positions, with the information on how to apply.
 - c. Montgomery County, its contractors and designated third parties, shall be required to maintain a record of inquiries and applications by project area residents who respond to advertisements, and shall maintain a record of the status of such inquiries and applications.
 - d. To the greatest extent feasible, Montgomery County, its contractors, and designated third parties, shall utilize lower income project area residents in filling training and employment positions necessary for implementing activities funded by CIG funds.
 - e. In order to ascertain substantial compliance with the above affirmative actions and Section 3 of the Housing and Community Development Act of 1968, Montgomery County shall keep, and require to be kept by contractors and designated third parties, listings of all persons employed and all procurement made through the implementation of activities

funded by CIG funds. Such listings shall be completed and shall be verified by site visits and interviews, cross checking of payroll reports and invoices, and through audits if necessary.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia does hereby agree to ascertain substantial compliance with The Local Business and Employment Plan as described above for the VCDBG Program for the Free Clinic of the New River Valley Relocation and Expansion Project.

FURTHER, BE IT RESOLVED, The County Administrator, Jeffrey D. Johnson, is hereby authorized to sign and submit appropriate documents for ascertaining a contract with the Department of Housing and Community Development for Virginia Community Development Block Grant funds for the Free Clinic of the New River Valley Relocation and Expansion Project.

The vote on the foregoing resolution was as follows:

AYE

NAY

John A. Muffo None

James D. Politis

Larry N. Rush

C.P. Shorter

Gary D. Creed

Annette S. Perkins

Mary W. Biggs

Montgomery County's Affirmative Action Policy for the Department of Housing and Community Development Non-discrimination Requirements

On a motion by C.P. Shorter, seconded by John A. Muffo and carried unanimously,

WHEREAS, The Virginia Community Development Block Grant (VCDBG) Program provides funding to assist local governments in the development of Community Service Facilities which are physical facilities targeting the provision of important services to low-and moderate –income persons and the greater community; and

WHEREAS, The Free Clinic of the New River Valley will provide expanded medical/ pharmaceutical and expanded dental services for the benefit of low-to-moderate income citizens; and

WHEREAS, The proposed expansion of the Free Clinic of the New River Valley will generate a 50.7% increase in services, of which 80% is in the medical/ pharmaceutical field and 20% is in the dental

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field, that will benefit low-to-moderate income citizens; and

WHEREAS, The project has a total estimated cost of \$638,626, of which \$138,926 will be donated costs by way of in-kind administrative and inspection services, donated materials, funds, equipment, and various other services; and

WHEREAS, Montgomery County will ascertain substantial compliance with Montgomery County's Affirmative Action Policy and the Department of Housing and Community Development Non-Discrimination requirements as follows:

1. It is the policy of the County of Montgomery to afford equal opportunity to all qualified persons regardless of race, color, gender, national origin, marital status, age, religion, political affiliation, disability, or veteran status, except where age or gender is a bona fide occupational qualification. In keeping with the intent of this policy, Montgomery County will adhere strictly to the following personnel practices:
 - a. Recruitment, hiring, and promotion of individuals in all job classifications will be conducted without regard to race, color, gender, national origin, marital status, age, religion, political affiliation, disability, or veteran status, except where age or gender is a bona fide occupational qualification.
 - b. Employment decisions will be made in such a manner as to further the principle of equal employment opportunity.
 - c. Promotional decisions will be made in accordance with the principle of the equal employment opportunity by establishing valid job-related requirements of promotional opportunities.
 - d. All other personnel actions, such as compensation, benefits, transfers, training and development, educational assistance, and social and recreational programs, will be administered without regard to race, color, gender, national origin, marital status, age, religion, political affiliation, disability, or veteran status, except where age or gender is a bona fide occupational qualification.
 - e. Periodically, and at least annually, analysis of all personnel actions will be conducted to ensure equal opportunity.
 - f. The aforesated policy is implemented by means of the County's affirmative action program, which is updated annually and is available in the County Administrator's Office for review by all employees.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County,

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Virginia does hereby agree to ascertain substantial compliance with Montgomery County's Affirmative Action Policy and the Department of Housing and Community Development Non-Discrimination requirements as described above for the VCDBG Program for the Free Clinic of the New River Valley Relocation and Expansion Project.

FURTHER, BE IT RESOLVED, The County Administrator, Jeffrey D. Johnson, is hereby authorized to sign and submit appropriate documents for ascertaining a contract with the Department of Housing and Community Development for Virginia Community Development Block Grant funds for the Free Clinic of the New River Valley Relocation and Expansion Project.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Larry N. Rush	
C.P. Shorter	
Gary D. Creed	
Annette S. Perkins	
John A. Muffo	
Mary W. Biggs	

Support Enabling Legislation for Counties to Impose a Cigarette Tax

On a motion by James D. Politis, seconded by Gary D. Creed and carried,

WHEREAS, Counties within the Commonwealth of Virginia share many of the same responsibilities as cities relative to the provision of services to their respective constituencies; and

WHEREAS, The Code of Virginia provides for more diversification in the types of local taxing authority afforded to cities and towns than for counties; and

WHEREAS, One of the areas of taxing disparity lies with the authority to impose local taxes on the sales of cigarettes; and

WHEREAS, Equal taxing authority relative to the imposition of a local tax on the sales of cigarettes

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would have a significantly positive impact on the counties throughout the Commonwealth of Virginia.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia requests that the Virginia Association of Counties request and strongly encourage the Virginia General Assembly to adopt enabling legislation to provide that all counties may impose a local tax on the sales of cigarettes.

The vote on the foregoing resolution was as follows:

AYE

C.P. Shorter

Gary D. Creed

Annette S. Perkins

John A. Muffo

James D. Politis

Mary W. Biggs

NAY

Larry N. Rush

Final Plat – The Orchards Phase III-B

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried unanimously,

WHEREAS, The Orchards Phase III-B consists of 62 lots located off Cherry Lane and has been found to meet the requirements of the Montgomery County Code Chapter 8, Article IV (Subdivision Ordinance; and

WHEREAS, The Montgomery County Code, Section 8-156 provides that a subdivider shall make adequate provision for storm and floodwater runoff and that if a subdivision involves new streets, the Virginia Department of Transportation shall determine that adequate provision for runoff will be taken; and

WHEREAS, The Virginia Department of Transportation requires that Montgomery County assume maintenance responsibility and liability that might arise from detention facilities in subdivisions: and

WHEREAS, The Montgomery County Code, Sections 8-157 provides for approval by the County of stormwater detention facilities conditioned upon agreement being entered into by the County and a homeowners' association whereby the association assumes all liability for the maintenance and operation of the stormwater detention facilities: and

WHEREAS, The developer of The Orchards, Phase III-B has agreed that said responsibility shall be assumed by the homeowners' association.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Final Plat of The Orchards Phase III-B, Mt. Tabor Magisterial

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District, provided: a) all lots are served by public streets, and b) the stormwater detention facilities, the responsibility for maintenance of which the Virginia Department of Transportation is relieved by the Board of Supervisors, but, by agreement, the responsibility for such maintenance shall be assumed by the homeowners' association.

FURTHER, The Chairman is hereby authorized to sign said plat for recordation.

The vote on the foregoing resolution was as follows:

AYE

NAY

Gary D. Creed None

Larry N. Rush

James D. Politis

C.P. Shorter

John A. Muffo

Annette S. Perkins

Mary W. Biggs

Boundary Line Revision and Right-of-Way Vacation Plat – Sterling Manor Subdivision Lots 7 & 8

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

WHEREAS, The Boundary Line Revision and Right-of-Way Vacation Plat of Sterling Manor Subdivision, Lots 7 & 8 requests the relocation of a portion of the right-of-way of Stratford View Drive on behalf of the landowners Stratford Group, Inc. (Lot 7) and William and Tracilyn Cullen (Lot 8); and

WHEREAS, Section 15.2-2270 of the Code of Virginia, as amended, permits the Board of Supervisors to relocate this portion of the public right-of-way of Stratford View Drive upon request of the landowners, involved.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Boundary Line Revision and Right-of-Way Vacation Plat of Sterling Manor Subdivision, Lots 7 & 8 (Draper Aden Associates Project No. 7137-10A dated August 16, 2002) in the Prices Fork Magisterial District.

The vote on the foregoing resolution was as follows:

AYE

NAY

Annette S. Perkins

None

John A. Muffo

James D. Politis

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Larry N. Rush
Gary D. Creed
C.P. Shorter
Mary W. Biggs

Purchase Right- Of- Way for the New Christiansburg Middle School

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby agrees to enter into the Sales Purchase Agreement dated August 14, 2002 by and between A&M Auto Repair of Christiansburg and the County of Montgomery for the purpose of purchasing a temporary grading easement and right-of-way associated with the new Christiansburg Middle School Project.

BE IT FURTHER RESOLVED, That the County Administrator is authorized to execute the above referenced Sales Purchase Agreement on behalf of the County.

The vote on the foregoing resolution was as follows:

AYE NAY

John A. Muffo None
Larry N. Rush
Gary D. Creed
C.P. Shorter
Annette S. Perkins
James D. Politis
Mary W. Biggs

Commissioner of Revenue - Transfer from General Contingencies

On a motion by Annette S. Perkins, seconded by John A. Muffo and carried,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer is hereby authorized, as follows:

FROM:

950 General Contingencies (\$4,500)

TO:

Said resolution transfers funds from General Contingencies to the Commissioner of Revenue to cover overtime costs.

The vote on the foregoing motion was as follows:

AYE

C.P. Shorter

Annette S. Perkins

James D. Politis

John A. Muffo

Larry N. Rush

Mary W. Biggs

NAY

Gary D. Creed

COUNTY ATTORNEY'S REPORT

Additions to the Secondary System of State Highways The County Attorney noted that in the Consent Agenda were several resolutions requesting the Virginia Department of Transportation to consider adding the following roads into the secondary system of state highways:

1. Plank Drive
2. Augusta National Road
3. Degas Lane
4. Cassatt Lane

Plank Drive and Augusta National Road are roads in the Blacksburg Country Club Estates that residents have been concerned about. Degas Lane and Cassatt Lane are roads that Andy Schack has been before the Board about not being state maintained. He reported with the efforts of the Planning Director these roads were completed.

COUNTY ADMINISTRATOR'S REPORT

Coal Miners Park - Bridge Construction - The County Administrator reported that the contract for construction of the bridge has been awarded. This project has been in the making for a number of years and there are a lot of people who have made this happen, including former Supervisor Ira Long. The

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County Administrator stated he has a short video of what the bridge will look like once completed and will share it with the Board at an upcoming meeting.

BOARD MEMBERS' REPORTS

Supervisor Rush Parks and Recreation Commission

By consensus, the Board endorsed the Parks and Recreation Commission's consideration of naming park facilities after former members of the Board of Supervisors. The Parks and Recreation Commission is to forward a formal proposal to the Board for their review and approval.

Supervisor Muffo Planning Commission The Planning Commission has changed their meeting dates in September to September 18th and September 25th, due to the first meeting falling on September 11th. Supervisor Muffo also asked the Board to consider how they would like to proceed on the number of Planning Commission members. A member is resigning and this would be an opportune time not to appoint a replacement if the Board is considering changing the number from 9 members to 7 members.

Vision 2020 Celebration Supervisor Muffo received a invitation for the Vision 2020 Celebration to be held September 30, 2002 at the New River Community College.

Supervisor Perkins - County/Town Liaison Meeting

Supervisor Perkins reported that the Metropolitan Planning Organization meeting has been changed to Thursday, October 29th at 7:00 p.m. at the Government Center. They also discussed the Homeland Defense. An estimated \$70 million will be available to the localities to be used toward this project.

New River Planning District Commission The annual dinner will be held at the new recreational center in Radford on October 24, 2002. The PDC will be sending out invitations.

VT Knowledge Works Congressman Rick Boucher made an announcement today at Virginia Tech that VT Knowledge Works will receive a major federal grant in the amount of \$2 million for the construction of a small business incubator.

Supervisor Creed commented on the request for overtime from the Commissioner of Revenue's office. He believes that employees from other departments can be cross trained to fill in where needed to avoid working employees over.

Supervisor Politis Public Service Authority - Prices Fork Water Project. Supervisor Politis proudly announced the award of over \$2 million dollars from Rural Development for the Prices Fork Water System. There were many people involved in getting this grant such as Virginia Tech and the Town of Blacksburg.

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Supervisor Politis also thanked Anderson and Associates for sponsoring the catered luncheon at the announcement.

Supervisor Shorter attended the Prices Fork Elementary School orientation. He received numerous compliments on the grading of the ball field.

Farm Safety Meeting - A farm safety meeting is scheduled for August 29, 2002 at 6:00 p.m at Phillips Farm in Riner. This meeting is sponsored by Farm Bureau and the Extension Office. The public is invited.

Farm & Family Showcase - Sponsored by Virginia Tech will be held September 5, 6 and 7th.

McCoy Road - Supervisor Shorter reported that VdoT has paved McCoy Road.

Supervisor Biggs County/School Liaison Meeting

Supervisor Biggs reported several items were discussed during the County/School Liaison Meeting as follows: 1) The Use of School Gyms - The school system will contact the Park & Recreation Directors. 2) Auburn High School - Foul Balls - property owners need to contact the school principal if their houses get hit by foul balls. 3) The Soccer Agreement is almost final. The issue of who is going to maintain the fields at the Blacksburg Middle School is still being discussed. 4) The School System is interested in using Building C in the Government Center for their administration offices. They are still discussing the issue. 5) New Christiansburg Middle School - construction is on target. 6) Use of the old Blacksburg Middle School - The School Board is reviewing the proposals for uses. They indicated they still need 10 to 15 classrooms for an alternative school.

3-A Road Chair Biggs received a request to name the new 3-A road in honor of Senator Madison Marye. She requested the County Administrator contact VDOT to see what the procedure is to request the naming of 3-A.

INTO CLOSED MEETING

On a motion by John A. Muffo, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711	(7)	Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel
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1. Blacksburg Shell Building
2. Christiansburg Boundary Line Adjustment

- (1) Discussion , Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Office on Youth Advisory Board
2. County Attorney Evaluation

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Larry N. Rush	None
C.P. Shorter	
James D. Politis	
Gary D. Creed	
Annette S. Perkins	
John A. Muffo	
Mary W. Biggs	

OUT OF CLOSED MEETING

On a motion by Larry N. Rush, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Larry N. Rush	None
C.P. Shorter	
James D. Politis	
Gary D. Creed	
John A. Muffo	
Annette S. Perkins	
Mary W. Biggs	

CERTIFICATION OF CLOSED MEETING

On a motion by Annette S. Perkins, seconded by Larry N. Rush and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Larry N. Rush
C.P. Shorter
James D. Politis
Gary D. Creed
John A. Muffo
Annette S. Perkins
Mary W. Biggs

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

APPOINTMENT

Office on Youth Advisory Board

On a motion by James D. Politis, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Katherine D. McCullough** to the **Office on Youth Advisory Board** effective August 27, 2002 and expiring August 26, 2005.

The vote on the foregoing resolution was as follows:

AYE

James D. Politis
Larry N. Rush
Annette S. Perkins
John A. Muffo
C. P. Shorter
Gary D. Creed
Mary W. Biggs

NAY

None

OTHER BUSINESS

Industrial Development Authority

The IDA requesting to engage commercial real estate company to bring industrial clients to Montgomery County for the purpose of selling or leasing industrial property. It was the consensus of the Board that all contracts developed with commercial real estate companies engaged to sell Montgomery County industrial property, all fees associated with the sale that would inure to the commercial real estate company in addition to the agreement, upon sale price approved by the Board of Supervisors.

ADJOURNMENT

On a motion by John A. Muffo, seconded by Larry N. Rush and carried unanimously, the Board adjourned to Monday, September 9, 2002 at 7:15 p.m.

The vote on the foregoing motion was as follows:

AYE

Larry N. Rush
C.P. Shorter
James D. Politis
Gary D. Creed
John A. Muffo
Annette S. Perkins

NAY

None

Mary W. Biggs

The meeting adjourned at 11:25 p.m.